# WARRICK COUNTY BOARD OF COMMISSIONERS MEETING REGULAR SESSION

COMMISSIONERS MEETING ROOM 107 W. Locust Street, Suite 303 Boonville, Indiana September 9, 2013 4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Marlin Weisheit, Vice President and Rick Reid, Member

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes. Auditor, L.B. "Dixie" Dugan and Allan James were in attendance.

PLEDGE OF ALLEGIANCE

#### **AREA PLAN COMMISSION**

#### **AMENDED STREET CONSTRUCTION PLANS**

Engelbrecht Place Section 2 by Engelbrecht Development, LLC, Allan Holweger, Mbr. OWNERS: Engelbrecht Development, LLC, Allan Holweger, Mbr., Ohio Twp.

Don Williams: Alright, let's start with Area Plan Business; you just have the one (1) item for business, Sherri?

<u>Sherri Rector</u>: Yes, Sir, and that is Amended Street Construction Plans its Engelbrecht Place Section 2 by Engelbrecht Development, LLC, Allan Holweger, Member, Owners, Engelbrecht, LLC and it's in Ohio Township. Mr. Biggerstaff is here to represent Mr. Holweger and Bobby can explain this, they are wanting to reduce the width of the right-of-way that was approved on the original Street Construction Plans, Bobby has reviewed the plans, and their Certificate of Compliance.

<u>Bobby Howard</u>: Basically they're wanting to lower the road right-of-way from the approved. In the primary it's sixty (60) feet down to fifty (50) feet.

<u>Jim Biggerstaff</u>: Right, originally the right-of-way was sixty (60) feet and that road is supposed to go around, now it's a cul-de-sac.

<u>Bobby Howard</u>: Right, now it's a dead end road with a cul-de-sac on the end, there's no problem lowering the...it still meets our ordinance at thirty (30) foot wide roadway with a fifty (50) foot road right-of-way.

<u>Don Williams</u>: Is that the one that ends right across from the gas station here?

Sherri Rector: Yes.

Jim Biggerstaff: That's it, it goes north.

Sherri Rector: Yes.

Marlin Weisheit: Just going to go up and have a cul-de-sac?

Jim Biggerstaff: That's it; it's only going to be...I forget but its real sharp now.

<u>Don Williams</u>: I got the understanding that there was going to be some new sales in here, new businesses coming in?

Jim Biggerstaff: We're back to condos, okay, eventually...

Don Williams: And that road would need to go through?

<u>Jim Biggerstaff</u>: No. First of all there's a high pressure oil line which is a huge twenty (20) inch, nobody's going to cross that on that hill, and I can show you where it's at on there. That's twenty (20) inch pumps a million (1,000,000) barrels a day, if we move that, you know, good luck...

Sherri Rector: Where are you talking about?

Jim Biggerstaff: That oil line at the top of that hill. He's talking about going through to Vann Road. There's no way.

Sherri Rector: Oh, on down...

Bobby Howard: I think the last primary also showed a cul-de-sac...

Don Williams: I wasn't talking about going to Vann Road; I was talking about going out to where the gas station is.

Rick Reid: That's down here I think...

<u>Sherri Rector</u>: This is the gas station right here, Don, right here's the gas station. Here's 261, here's your turn in, here's the gas station, this is right here where it's built to right here and stubbed out, this is what he's talking about, this additional...and this was approved in the Primary Plat. This is going to be a business, it's not condos. These are going to be commercial businesses.

Don Williams: This is never going to go out...

John Biggerstaff: Yeah, what I was talking about is here, Don, that's a big high pressure...this is Vann Road right here.

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<u>Don Williams</u>: I wasn't talking about going out to Vann either.

Jim Biggerstaff: Oh, I'm sorry, I thought...

<u>Don Williams</u>: I was talking about going on out to right behind that gas station there.

Jim Biggerstaff: Oh, no, no.

<u>Sherri Rector</u>: This goes back in to here to the condos but here's the gas station, then this is all empty, commercial lots, and the condos are up here.

<u>Don Williams</u>: Mr. Engineer, you're okay with that then? The recommendation?

<u>Bobby Howard</u>: Yes, um, the only thing that I'd ask that these be approved subject to a drainage easement being shown on the plat because there's no drainage easement on...

Jim Biggerstaff: We added that. I added that on there.

Bobby Howard: It's not on my street plans.

Sherri Rector: It's not on the street plans, Jim...

Jim Biggerstaff: Oh, the street plans, okay, I'll add it on there. But there is an existing pipe in there.

Don Williams: Okay, any questions from the board?

Rick Reid: I have none.

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: Second.

<u>Don Williams</u>: Okay, is that contingent upon the line being shown?

Rick Reid: Subject the drainage easement on it.

Marlin Weisheit: Yes, the drainage easements...

**Don Williams**: Be shown?

Marlin Weisheit: Yes.

Don Williams: Okay, I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye, motion carries.

Jim Biggerstaff: Okay, thank you.

## ITEMS FOR DISCUSSION

### **DEPARTMENTAL REPORTS**

# COUNTY ADMINISTRATOR

## **Warrick County Bicentennial**

Proclamation ~ Warrick County Museum's 9-22-13 Reception for Indianapolis Cartoonist Jerry Barnett (Proclamation 2013-10)

Newburgh Senior Center's 9-20/21-13 Porkapalooza (Proclamation 2013-11)

**Don Williams**: Okay, Items for Discussion, County Administrator.

Roger Emmons: Thank you, Mr. President. The first item I have has to do with the Warrick County Bicentennial. Todd Glass brought Proclamations 2013-10 and 2013-11 in to me today. The Proclamation 2013-10 is the Warrick County Museum Reception Honoring Cartoonist Jerry Barnett who is a graduate of Boonville High School, he was class of 1956. That's on Sunday the 22<sup>nd</sup> from 2:00-4:00 PM. Do you want me to cover the second one or do you want to...

Rick Reid: Let's do them all at the same time, can we do that?

Roger Emmons: Okay, 2013-11 is the Newburgh Senior Citizens, Senior Centers, September 20<sup>th</sup> and 21<sup>st</sup>, Porkapalooza. The event is on Friday and Saturday at their Center which is located at 529 Jefferson Street in Newburgh from 11:00 AM to 2:00 PM. Those two (2) Proclamations' are for your consideration.

Rick Reid: Do you need a motion?

Don Williams: Yeah, I do.

Rick Reid: I'll make a motion for Proclamation of 2013-10 and 2013-11 for approval.

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Marlin Weisheit: Second.

Don Williams: I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

<u>Don Williams</u>: Motion carries. Roger, do you know if they're planning on a commissioner reading the proclamation?

Roger Emmons: When Todd brought them in this morning, Mr. President, he did not say.

Don Williams: Cause there was a lot of confusion especially with the Labor Day festivities.

Roger Emmons: Yeah, and I forgot to mention that to him...

<u>Don Williams</u>: Marlin was there and I got a call from the framer of the proclamation got charged with...Marlin, he was there to read it and...

Roger Emmons: If it's okay I'll follow up tomorrow morning.

<u>Don Williams</u>: We just need to...we don't necessarily need to be there and read it, I mean, as far as I'm concerned. But if they want that they need to make it known before...the day before.

Rick Reid: Right.

Marlin Weisheit: Yeah, that's all it takes.

#### **Facility Request for Closing Ceremonies**

Roger Emmons: Okay, the third thing related to the Warrick County Bicentennial is their request for using the facilities and by that they mean the Courthouse would be this room and perhaps the Courthouse lawn. This was originally planned for this November, I think it was the 9<sup>th</sup>, they moved due to a couple of reasons. One, conducting a closing event for the Bicentennial that includes numerous events that cover a whole weekend and secondly to approve the chances that Indiana Lieutenant Governor, Sue Ellspermann, will be able to attend Closing Ceremonies. The 22<sup>nd</sup> and 23<sup>rd</sup> of February are on Saturday and Sunday respectively. They didn't give me any times on those but it'll be finalized later on. Right now they're just going to put in...and I'll make sure that I come up and get this room open for Saturday and Sunday if they need it.

<u>Don Williams</u>: Right now we don't have a date or anything?

Roger Emmons: Yes, February 22<sup>nd</sup> and the 23<sup>rd</sup>. Did you not get my items?

Rick Reid: Yeah, I've got it here.

<u>Don Williams</u>: I don't have it with me...it's probably on my desk. Okay, I entertain a motion for the...allowing the use for Closing Ceremonies.

Rick Reid: So moved.

Marlin Weisheit: Second.

<u>Don Williams</u>: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

<u>Don Williams</u>: Motion carries.

Roger Emmons: Thank you very much.

### **Discuss Old Lillpop Building**

Roger Emmons: Next item on the agenda is to discuss the Old Lillpop Building and basically that would be the sale of the building and as far as formally approving by motion the specific procedure we're going to use for that sale. Any terms you want to attach to that sale, for an example, establishing a minimum bid or specifying the buyer must bring the building to code before any occupancy or use of the building for commercial purposes; anything like that that you can think of. Adam did advise us, the overall Indiana Code is found at 36.1.11. Chapter 11 is Disposal of Real or Personal Property it's a number of pages, but one thing that I noticed was that in the approval first of all it doesn't have to be approved by the county council because we anticipate the sale to be less than fifty thousand dollars (\$50,000.00). However, under section...looks like C-3 it says 'every transfer of real property under section 14 or 15 of this chapter the council, the fiscal body, has to approve that' so...I would defer to Anthony on what exactly that means. If you're going to sell it to another person that would be a transfer.

Anthony Long: I thought the fifty thousand (\$50,000.00) was a threshold...right now, off the top of my head, and I apologize, Adam is home with a infection, he couldn't be here, I hope he's contacted everybody but we recently did one down in Chandler and I found out you have to have two (2) appraisals...

Roger Emmons: We've done that.

Anthony Long: And have a Public Hearing.

Roger Emmons: We have not done that.

Anthony Long: And then you can...and I can get you an answer on sections on the Council requirement, I'll call you on that tomorrow, Roger.

Roger Emmons: Okay, that'd be great. This does go through the procedure going through this Indiana Code and I think Joe is familiarizing himself with it as well, Anthony is correct, we have to schedule a Public Hearing, I think you can also establish...let me find your items, Joe, are you...Joe had sent out a listing, a summation in August as to the various procedures, we've had it appraised, we have to give published notice setting forth the terms and condition of the sale, I think that's one (1) time, ten (10) days before the meeting, and then have a Public Hearing before the Board approves the sale, correct? You know, Joe has listed five (5) different methods; one (1) is to engage an auctioneer and I think Marlin perhaps...I don't know whether Don or Rick preferred that way, but Marlin said auctioneer was the way you preferred to go, is that correct?

Marlin Weisheit: Yeah, I mean, I'm okay with that.

<u>Roger Emmons</u>: Um, if you engage an auctioneer then you must also advertise the sale with a detailed description of the property. Is that the County or the Auctioneer?

Joe Grassman: That's the Auctioneer.

Roger Emmons: Yeah, so he must also in addition to the County...okay, so the other four (4) methods were taking bids, that specifies a beginning date of opening bids and goes day-to-day for a specific period of time. The last time we did it was sixty (60) days, I don't think we got any good bids in that time where if someone, on the opening day of bids they can give a bid but everyday thereafter they have business, someone could come in and say I want to see what the latest bid is on that, you have to show it to them, and they can raise that bid. They can say 'okay, I'm going to submit a bid', in writing of course, 'of 'X' number of dollars' and it would continue on until the commissioners made the final determination. But at this time if the commissioners approve an auctioneer then do you want Joe to deal with our contractual auctioneer to do this or...? Is that Dimmitt Auction Service?

Don Williams: He's in the contract.

<u>Marlin Weisheit</u>: What would be the fastest way to sell? I mean, how long are we going to be tied up with the auctioneer, I mean, we got to advertise and...?

Roger Emmons: Actually I think probably engaging an auctioneer would probably be the quickest.

Marlin Weisheit: Yeah, I think we're...we just don't need to drag our feet on it any longer. It's time to move that building so we can get things finished up.

Don Williams: I agree.

Roger Emmons: Do you want to set a minimum bid?

Marlin Weisheit: I do but...

<u>Don Williams</u>: I think let's do that.

Roger Emmons: Okay.

Don Williams: Do you want to set it...if I remember...what would you like to set it at?

Marlin Weisheit: I'd like to set it at thirty thousand (\$30,000.00) just for a minimum bid, if we don't get any interest then we can make other decisions what to do with the building but that...

<u>Don Williams</u>: Okay, sounds good to me, ought to use a consensus probably on that.

Roger Emmons: Will a consensus work on that then?

Anthony Long: Yeah...

Roger Emmons: Okay, then we'll set that.

Marlin Weisheit: I think it'll bring that and hopefully we'll get more interest but if it brings only that I'm okay with it but that'd be a good starting point. Might be a closing point, we don't know yet.

Roger Emmons: Right.

<u>Don Williams</u>: You need to have Joe contact the auctioneer and get this advertised and get it done as quickly as possible I think.

Roger Emmons: I think we can get that in...the notice in this week which would...

Anthony Long: Get it in tomorrow...

Roger Emmons: Well, yeah, for next Thursday it'll come out next Thursday, we'll get it in by Thursday at 5:00 PM, it comes out next Thursday.

Anthony Long: So, then you can count off ten (10) days from there to your next meeting to have your public hearing to approve the sale by the auction method, but you can also save time by going ahead and work out your auction connection and get your term, get everything done the minute you do the resolution approving the sell at your public hearing then you kick off and do the advertisement immediately following that and have your terms and conditions already written so it's reasonably quick.

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Roger Emmons: So if it comes out...does the Standard come out on Wednesdays or Thursday? I think it's officially...

Anthony Long: It's official publication on Thursday, it comes out physically, and you get them on Wednesday.

Roger Emmons: So if it comes out the 19<sup>th</sup> at...it would be the commissioner 1<sup>st</sup> meeting in October which would be October 15<sup>th</sup>, do we have the 14<sup>th</sup> off on holiday?

Angie Leslie: Yes.

Roger Emmons: We can set that for our Public Hearing, October 15<sup>th</sup> at 4:00 PM.

<u>Don Williams</u>: That's good.

Rick Reid: What's that? For thirty (30) days?

<u>Roger Emmons</u>: That is the required ten (10) day notice after the date of the legal advertisement notice. In the mean time Joe can contact Dimmitt or whoever and negotiate that with them so you've got the terms and conditions of your auctioneer in place, correct, Anthony?

<u>Anthony Long</u>: Yes, I'm sorry but I'm not been privy of this, is Adam familiar with the terms or can you communicate the terms so he can get with Joe on that?

Roger Emmons: Yes.

Anthony Long: They can structure exactly the terms for the advertisement.

Roger Emmons: I'll make sure he gets it. I'll put it in writing and email, okay? Alright, I think...other than my mentioning, I think I heard Don say that we ought to really...whoever purchases it, if they're going to use it, it needs to be brought up to code, the correct building code. The building had some issues in there so we can state that as well. It has to be brought up to Warrick County's Minimum Building Codes. Okay, Joe, did you have anything to add on that?

# Peabody Midwest Mining, LLC ~ Request for Extension of Agreement for Road Usage on Approximately 1,218' of Relocated Lynnville Road

Roger Emmons: Okay, the next item I have was...is Tiffany Eckert in the crowd? Come on up to the podium, Tiffany. Tiffany is the Land Agent with Peabody Midwest Mining, LLC and she took Ken Hagen's place. Last year, it was in...I sent a letter to Ken Hagen whereby the commissioners had approved another twelve (12) months extension to the original agreement for road usage, it's for approximately twelve hundred and eighteen feet (1,218) of the relocated Lynnville Road so that this would be...if you approve twelve (12) months it will expire on October 3<sup>rd</sup>, 2014. And the same terms and conditions of the original agreement for road usage would apply. I think they've got twelve thousand three hundred dollar (\$12,300.00) bond in effect and of course they maintain that roadway during the term of the usage. All it would take is a motion to...unless you have something to add.

<u>Tiffany Eckert</u>: Nope, nothing to add.

Don Williams: Could we make that contingent upon them keeping 261 clean there at the...

Marlin Weisheit: Hwy 61.

<u>Don Williams</u>: Hwy 61, rather.

Marlin Weisheit: It's been doing a lot better.

Roger Emmons: No, we can't do that, that's a state highway.

<u>Don Williams</u>: It has been a lot better but it's been a lot dryer too so... What's the will of the board?

Marlin Weisheit: I'm okay to approve it. I'll make a motion to approve it.

Don Williams: Okay.

Rick Reid: Second.

<u>Don Williams</u>: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

**Don Williams**: Motion carries.

Roger Emmons: Thanks, Tiffany, I'll get you a letter.

<u>Tiffany Eckert</u>: Thank you.

### Brief of Amicus Curiae ~ Cause No. 87A01-1305-CT-00203

Roger Emmons: I have a couple of other items for the boards' consideration. One is the Brief of Amicus Curiae it's Cause Number 87A01-1305-CT-00203. It's the "friend of the court" brief that our Counsel was asked to prepare at the Board's request regarding the Newburgh/Chandler sewer territory dispute. Adam faxed a draft of that brief to me this morning, I scanned/emailed it to the board, it is late notice, I apologize for that, I did it as soon as I received it but according to the Appellate Court rules any person or entity submitting a brief, a friend of the court brief, has to a take side. I don't know if you've had time to review the brief. In this instance Adam has chosen the fact that the

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commissioners are in favor of the freedom of choice in that area. The person needing the sewer service would be free to negotiate with whichever utility provider has the best deal for them.

<u>Don Williams</u>: I think we all have a copy of this; I talked to Adam briefly on the phone before the meeting.

Roger Emmons: Okay.

<u>Don Williams</u>: And told him of a change that I think the board would like to see made and that is I'd like a statement in the Amicus Curiae Brief to state that the Board of Commissioners desires to have a...the judge expedite the decision as quickly as possible. Just a request. He said he had his legal aid I guess has got that and is going to make any adjustments that the board wants done and it has to be filed next Monday at the latest so we need to get those changes and review and we can approve it or not approve it based on that change being made.

Roger Emmons: Okay. Do you want to approve it subject to that or just...?

<u>Don Williams</u>: No, and this isn't like an ordinance, you know, if we file an ordinance, and you correct me Mr. Attorney if I'm incorrect, but if we did an ordinance it could make us liable to one party or the other.

Anthony Long: If you did an ordinance you'd be passing a law, this is stating...

Don Williams: And there is no liability.

<u>Anthony Long</u>: No, none whatsoever that I would see. To be honest I have not seen or read what he's filed or prepared with you but if you've asked him to do that I'm sure he's got that taken care of.

Don Williams: Okay.

Roger Emmons: Okay, very good, second item has to do with...

Anthony Long: Do I understand that that was approved with that change in...?

Don Williams: It hasn't been approved yet.

Anthony Long: Okay, you want him to...you want it circulated like tomorrow or something?

Roger Emmons: Well, Don talked to Adam...

Don Williams: I talked to him on the phone.

Anthony Long: Okay, you're solid with it then?

<u>Don Williams</u>: Before the meeting...yeah, we need to vote on going forward...well, we already voted for him to do this so we don't have to do anything other than get the change in there.

Anthony Long: Which was add to request it to...

<u>Don Williams</u>: Yeah, we asked him to put the brief together and to file it I guess six (6) or eight (8) weeks ago it seems like to me.

Roger Emmons: Okay, ready for the next item?

Don Williams: I am.

## County Health Plan ~ Amendments & Summaries of Material Modification #'s 10 & 11

Roger Emmons: This has to do with the County Health Plan; it's not to do with any of the benefits, its Amendments and Summaries of Material Modification numbers 10 and 11. And what these have to do with, it amends the plan by approving access to PHI which is 'Personal Health Information' by designating certain county officials, um, I'm listed on there as well as the Payroll Clerk in the Auditor's Office. What this would do is add...it adds "any duly elected Warrick County Commissioner and the County Auditor" and what that allows you is to basically see Medben's regular reports on the check runs; it would allow you to review Explanation of Benefits and things like that so long as you comply with the HIPAA laws on confidentiality.

Rick Reid: Sure.

Roger Emmons: I had talked to Dave Waltz, our Broker, some time ago and I reviewed it and I thought it might be good for the commissioners to have that access so you can review how much we're paying and how often, and the types of claims that we're paying.

<u>Don Williams</u>: Okay, what's the will of the board? Would you like to entertain a motion?

Marlin Weisheit: I make a motion to approve that, I mean, its valuable information.

Rick Reid: Second.

<u>Don Williams</u>: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

<u>Don Williams</u>: Motion carries. While we're there on healthcare, I was going to do this at the end but I think I'm going to just go ahead and do it now, there were a couple when we had our motion, what was it a couple meetings ago, when we set the PPO premiums...

Roger Emmons: It was August 26<sup>th</sup>.

<u>Don Williams</u>: Right, we need to adjust two (2) of those premiums, I'll state what they were at the time and what they need to be adjusted to for it to balance out. The single employee was ninety eight three (\$90.83), that should be adjusted to ninety eighty four (\$90.84), one cent. The employee/spouse was one seventy six (\$176.00), that doesn't change, employee/child one fifty five sixty four (\$155.64), that does not change, employee/family was two zero eight thirty three (\$208.33), that needs to be changed to two zero eight thirty four (\$208.34), also a one cent change. This is at the request of our payroll.

Marlin Weisheit: I'll make a motion to approve those changes.

Rick Reid: Second.

Don Williams: Okay, I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

<u>Don Williams</u>: Aye. Motion carries three (3), zero (0). I thought that would be a good time to do that, thanks for entertaining me there.

<u>Roger Emmons</u>: That's all I have although on my sheet I did provide some other information for upcoming departments. Thank you, Mr. President.

**Don Williams**: Anything else on this sheet either of you want to address?

Marlin Weisheit: No, I'm fine.

Rick Reid: No.

#### **COUNTY AUDITOR**

Don Williams: Mr. Auditor, I understand you have some payroll for us, Sir.

<u>L. B. "Dixie" Dugan</u>: Yes, Sir. Dixie Dugan, Warrick County Auditor, I have payroll voucher register in the amount of three hundred eighty three thousand nine hundred twenty eight dollars and eighteen cents (\$383,928.18).

Don Williams: Okay, I entertain a motion.

Marlin Weisheit: I make the motion to pay the payroll.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

### **COUNTY PURCHASING**

### Discuss 2013 Help America Vote Act Accessibility Grant Application, HHS Grant

**Don Williams**: County Purchasing.

<u>Joe Grassman</u>: Joe Grassman, Purchasing Manager, Warrick County. I'm here tonight to ask the Board's permission to apply for a grant. This grant was established under the Help America Vote Act in 2002. Purpose of the grant is to improve access to polling places or in other words to make voting places more accessible to those in the community with disabilities. It's a reimbursement type grant; the maximum is twenty five thousand dollars (\$25,000.00). I met with three (3) contractors last Friday; we did a walkthrough of the buildings involved which would be the Old Courthouse and the Judicial Center and we established the specifications, basically what the specifications are going to be will be; In this building on the basement or first floor, on the north and south, we are going to install new, automatic, push button doors, railings on both ramps at those doors and railings on the steps on the south walk of the Courthouse here, just on the steps, not on the whole walk and also railings on the ramps in front of the Judicial Center.

Rick Reid: Could you do it cheaper if we did it at a library like Boonville Library or Newburgh Library?

Roger Emmons: Those aren't county owned, I mean, the process to do that, I'm sorry to interrupt...

Joe Grassman: Go ahead.

Roger Emmons: You'd have to enter into a long term agreement and they have to confirm that they will continue to be a voting place. So, Clerk Topper suggested we focus on these two (2) buildings, the county owned it and even at that there's a form...a simple form of contract that she'll ask the commissioners to approve even though we're required under Indiana Code as a municipal building to be used. Up there they have a...where they approve these they want

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something on file saying the commissioners are going to approve Warrick County Courthouse and Warrick County Judicial Center...

Rick Reid: But both of those are in Boonville, it seems like you'd want to spread that around the county a little bit.

<u>Roger Emmons</u>: Well, there's only twenty five thousand dollars (\$25,000.00), the highest that you get so...there's two hundred fifty thousand dollars (\$250,000.00) was it...is that what they have?

Joe Grassman: Yes.

Roger Emmons: They're only twenty five thousand (\$25,000.00) so if ten (10) counties applied, there's only ten (10) grants worth, of course not all of them may have applied for the maximum but that's up the boards...

<u>Don Williams</u>: And there may be another opportunity, another round I would hope.

Roger Emmons: Sure.

<u>Don Williams</u>: This is my understanding, this is a first come, first serve grant whereas if you apply and you're first in with your request that you can obtain it. The only drawback is you have to pay for the...pay it up front and then it's a reimbursement grant, they're reimbursing that money. If we approve this we could take it out of like our Highway Fund...not the Highway Fund but the Discretionary Fund and we could...we'd have to pay it out of that then when the money comes back then it would go back into that fund.

Marlin Weisheit: You know anything we can do to make this building more handicapped accessible with our veterans office especially being on the bottom floor, I mean, this would be a real benefit for this building and service with people for disabilities, I mean...it'd be a real plus.

<u>Joe Grassman</u>: Yeah, I think we tried to fit...considering the cap at twenty five thousand (\$25,000.00), then you put the project within our budget, I think if we go outside...what we're going to do...I think we'll be over that cap.

<u>Rick Reid</u>: But the libraries already have it, that's why I was wondering if we couldn't just go to them and approach them just to see if they would allow us to do that.

<u>Joe Grassman</u>: Well, we could but like Roger said there's a whole lot of red tape involved then and they have to sign a commitment that they...

<u>Don Williams</u>: Cause we don't own the libraries. The owner has to apply for the grant is my understanding.

<u>Bobby Howard</u>: Rick, are you asking if the libraries are already polling places or...?

<u>Rick Reid</u>: No, I mean just for use and then for the handicap for polling places, you know cause they've already got the automatic doors to let them in and the wheelchairs can easily go into those places, they already got everything there for those.

Marlin Weisheit: Well, I feel we need to make this building handicap accessible if we can, I mean, under a grant we have nothing to lose here for that.

<u>Joe Grassman</u>: And after talking with the contractors I think we're not necessarily compliant...

Marlin Weisheit: No, we're not.

<u>Joe Grassman</u>: And this would bring...up to ADA compliant.

Roger Emmons: Yeah, it's a double benefit, Marlin.

<u>Marlin Weisheit</u>: Yes it is. I can see that. More than a double benefit actually. I mean, we don't have nothing to lose by applying for this grant in my respect. I'd make a motion to go ahead and allow Joe to apply for the grant.

<u>Don Williams</u>: Do I have a second?

Rick Reid: Second.

Don Williams: We have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

**Don Williams**: Motion carries.

Joe Grassman: That's all I have, thank you.

Marlin Weisheit: Thanks, Joe.

### **COUNTY ATTORNEY**

# Addendum to EMS Agreement re Refusals

<u>Don Williams</u>: Attorney Business, we have an addendum to the EMS Agreement?

Roger Emmons: Anthony may not have this but I do have from Adam, it is a second addendum to the Emergency Medical Services Contract January 1<sup>st</sup>, 2007. It's between the Warrick County Board of Commissioners and St. Mary's Warrick Emergency Service, Inc. It is basically a one (1) page agreement, the second page is for attestation from

Auditor Dugan and approved as to legal form by S. Adam Long or in this instance Anthony. It has to do with them establishing their rates for refusals; it says it agrees that section 1.01.1 of the contract shall be modified by replacing the same with the following. One, 1.01.1 emergency response transportation and emergency medical services required prior to and during a transport and. That's it so I don't have the master contract to compare that to. I can probably find that but this is what Adam prepared to help St. Mary's implement those charges for refusals.

Don Williams: And that definitely needs to be done, the charges. Thank you.

Roger Emmons: I think Adam said that subsequent to you approving this second addendum then I think St. Mary's would come to you and then ask the board to approve the specific charges.

<u>Don Williams</u>: Yeah, the changes I think is the medical services that are required prior to transport, I think that's the big part of it and during transport and that's what it lists. An example of that is a couple of years back when my dad was alive he had a nose bleed we just couldn't get stopped. They came out, it took them about twenty (20) minutes, they worked on him for about twenty (20) minutes, got the bleeding stopped, he was fine, and so that was a refusal but yet they drove out and they drove back, they stopped the nose bleed, they did us a medical service and there were no charges and they were out gas, they were out man hours and labor and all they're trying to do is get their...I think they're talking about one hundred bucks (\$100.00) it's not a unreasonable amount but it'd be less money that the county had to subsidize in the long run.

<u>Anthony Long</u>: The prior to language I think is...prior to the transport I suspect it now says 'transport' but if someone refuses services up to that point we'd also be reimbursed or chargeable.

Roger Emmons: I think that's exactly right.

Don Williams: That's why it says 'prior to and during'. So any other discussion? If not I'll entertain a motion.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: We have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Let's see this is...this is an addendum to a contract so we're good.

### **COUNTY ENGINEER**

## Bridge 371 ~ Change Order #2

<u>Bobby Howard</u>: I just have one (1) item, its Change Order #2 for the Bridge 371 Project and this is for miscellaneous steel repairs in the amount of nine thousand three hundred ninety dollars (\$9,390.00). And this is for corroded structural steel to be replaced with new steel that was uncovered during the replacement of some floor beams and things that they didn't notice earlier. And I'd recommend approval.

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: Second.

<u>Don Williams</u>: Motion and a second. All those in favor let it be known by saying aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

<u>Don Williams</u>: Motion carries.

Marlin Weisheit: Is that project pretty well on schedule, Bobby?

Bobby Howard: Yes.

Marlin Weisheit: Good.

## **COUNTY HIGHWAY**

Don Williams: Anything else in the Highway area or...?

Bobby Howard: No, I have nothing this evening.

## COUNTY SHERIFF

### **Inmate Healthcare**

Don Williams: Sheriff.

Sheriff Brett Kruse: I had Roger put me on the agenda to reference the Inmate Healthcare entertaining the idea of contracting with Quality Correctional Healthcare and there are several reasons for this. One of them is reducing the cost for contractual services that we have now with the doctor and nurse. Liability issues, the Quality Correctional Healthcare offers mental health evaluations and treatment. They train the employees and they also have protocols established for the jails. There's several...the surrounding counties who have used Quality...I've met with those other

sheriffs and they are Knox, Gibson, Pike, Posey is getting ready to enter a contract with Quality and there's some others around this area also. But I think this will take some of the liability off of the county because of several issues and also it will reduce our upfront cost that we're paying now for contractual services that are some of it is just as you all know health care is what it is and we can't control all the cost of inmate healthcare but I think this is probably the best way to go. There's a difference in correctional healthcare and healthcare like you and I have and these people know what they're doing, we'd looked at this four (4) or five (5) years ago with another company and nobody seemed to be satisfied with what they had to offer including myself and then Sheriff Heilman but this company looks like...the package that they've got put together...and the benefits in it are, we would still have the nurse forty (40) hours a week, there's a nursing supervisor that will be there twice a week and then also our physician. They are there on an as needed basis.

<u>Don Williams</u>: You have any anticipated savings in the county?

Sheriff Brett Kruse: Just up front...and I sent you all copies of their proposal...upfront it looks like a twenty thousand dollar (\$20,000.00) a year savings just for the nurse's salary. Currently we're contracted with St. Mary's and they estimated eighty thousand (\$80,000.00) for next year for a nurse.

Marlin Weisheit: She don't quite make that does she?

Sheriff Brett Kruse: According to her she doesn't, no. Even counting benefits she's not...

<u>Marlin Weisheit</u>: Brett, will you get the prescriptions through them too? I mean, will they be the ones or will you contract through someone.

Sheriff Brett Kruse: They...and it's in the proposal where their prescriptions come from...

Marlin Weisheit: No, I mean, they're the ones who will take care of...?

<u>Sheriff Brett Kruse</u>: Right, they take care of the billing, they take care of arguing with the healthcare providers on what they're charging, they do...where my people do all that now, they take care of all that, the bills all go to them, they get them adjusted down to the Medicare plus four percent (4%) and...

Marlin Weisheit: How long is this contract for if you go with them?

<u>Sheriff Brett Kruse</u>: The way I understand it by looking at it, and Adam's got a copy of it and my legal deputy has a copy of it and I think it's a ninety (90) day out by either party.

Marlin Weisheit: Okay.

Sheriff Brett Kruse: I mean, I wouldn't...if I were you guys I wouldn't enter into anything past the end of my term which is the end of 2014 but the one we've got now is my understanding it renews every year unless somebody gives a ninety (90) day written notice. And Adam did send me a couple of changes back and they were some minor things, something to do with the...doing business with Iran, and something else and then they had a couple of figures backwards on...I think they just transverse them so...I sent those back to Lisa today to look at so...I just wanted you...I had a couple of the council members come to a meeting I had for with Lisa a month ago because I wanted them to hear the financial end of it, of the savings part of it. But I think it's the right thing to do and they are interested in contracting with the nurse that I have currently there, my nurse of several years retired in June or July and this lady took her place. And they would also entertain a contract with Dr. Mooney who is the jail doctor now through St. Mary's. So it's not like we're putting county residence out of work or out of money, it's...they just follow this company's guidelines.

Marlin Weisheit: Well, as far as I'm concerned you're the one that's got to balance your budget out there and managed the jail and your responsibility so I support you in your effort here and I hope we...

Sheriff Brett Kruse: Well, and you know if it does save twenty thousand (\$20,000.00) up front, I mean that, even if our inmate medical bills go higher that's another twenty thousand (\$20,000.00) we'll have to put toward those. They have figured into their contract proposal, they have a pool of money to take care of any of their healthcare needs but it's written in there, you know, it could go beyond that and that falls on the county to take care it. And I think now the county budgets us forty thousand dollars (\$40,000.00) a year and I don't think we've ever stayed under that. And that's besides the nurse and doctor contracts and stuff like that.

Don Williams: Do you have a copy of that contract or does Roger have a copy of that contract?

Sheriff Brett Kruse: With St. Mary's?

Don Williams: No, the one you're asking to be approved.

Sheriff Brett Kruse: The only thing I have right now is the proposal. That went to all of you and Adam has got a copy of it

Anthony Long: Do they anticipate submitting a proposed contract?

Sheriff Brett Kruse: Well, they're waiting on me right now. I wanted Adam and Craig McGee to look over it and then...because, you know it's always different, everybody looks at them different and I wanted to see, you know, try to get some of that stuff ironed out and then...but they're, Lisa is down here twice a month at least. The nursing supervisor actually lives in Princeton; I think she lives in a hotel because she travels. And then you have access to them twenty four (24) hours a day...

Marlin Weisheit: Are you counting on starting this the first of the year, Brett?

Sheriff Brett Kruse: Well, I would like to but...it's my understanding we can start it at anytime that we give a...but I think that the way that St. Mary's...

Marlin Weisheit: You got a ninety (90) day out with St. Mary's so...

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Sheriff Brett Kruse: Yeah, I think they would have to be notified by the first of October or there about. So if we're going to make the change I'd like to...

<u>Don Williams</u>: So what do you need from us today? What's your request?

Sheriff Brett Kruse: I was just bringing it to your attention and if you've had a chance or haven't had a chance to look over that proposal if there's anything...

Marlin Weisheit: I'm okay with it, yeah.

<u>Don Williams</u>: You had some question about who should sign the contract.

Sheriff Brett Kruse: I don't care, I didn't...and I talked to the commissioner from Knox County a while ago and he said they signed the one up there too.

**Don Williams**: What's that?

<u>Sheriff Brett Kruse</u>: The commissioner from Knox County said that the commissioners up there do sign those contracts so I don't care who signs it.

Don Williams: I think the state makes the commissioners, they contract...

Anthony Long: That's correct.

Sheriff Brett Kruse: I just want to make...do it the right way the first time.

<u>Don Williams</u>: Okay, yeah, I think we all support what you're trying to do.

Sheriff Brett Kruse: Okay, I'll keep you informed then.

Don Williams: Okay, thank you, Sir.

Anthony Long: If you are thinking about doing this you might want to have the Sheriff contact the company and have them submit a draft contract so that could be reviewed because if you're on a ninety (90) day, before the end of the year that means next meeting you're going to have make a decision whether or not to notify St. Mary's and I'll give Adam a memo on this...

<u>Sheriff Brett Kruse</u>: Was there a proposed contract in there at all? Because Adam noticed something because he'd noticed that the part about doing business with Iran and something else.

Anthony Long: And there may be.

Marlin Weisheit: I'd say it's in there, yeah.

Sheriff Brett Kruse: I'll check it, I've still got it and I'll get back with Lisa tomorrow.

Anthony Long: And get with me also, I'm going to fill in for Adam this week anyway so we'll...

Sheriff Brett Kruse: And I've got your email address today from the girls. I didn't have it before. Cause I actually sent you something today.

Anthony Long: I guess that they didn't tell you that I never look at it did they?

### **COUNTY PROSECUTOR**

## Amended Ordinance (Warrick County Prosecutor Bad Check Restitution Program)

**Don Williams**: Prosecutor business.

Marlin Weisheit: Hi, JoAnn.

<u>JoAnn Krantz</u>: Hi, JoAnn Krantz, Warrick County Prosecutor.

**Don Williams**: What do you have for us today?

JoAnn Krantz: We have the first matter, the amended ordnance for amending Ordinance 1989-12.

<u>Roger Emmons</u>: Even though Adam's not here we do have his comment from an August 12<sup>th</sup> email. It's wherein he didn't feel comfortable recommending approval of this ordinance because he felt that it was not complying with Indiana Code 33-39-1-8 and the home rule is not implacable to this instance.

<u>Don Williams</u>: I have a little difficulty finding out what Adam's...without him being here.

Roger Emmons: Yeah, I understand.

<u>JoAnn Krantz</u>: I've not been advised of that. The guidance on amending that memo came from Barbara Montgomery, the State Board of Accounts, and it is written as she told me it needed to be written, I revised it to reflect 2013.

<u>Don Williams</u>: Okay, do we have a copy of some kind of...the ordinance? I think I remember reading some...is that the same one we got several months ago?

Roger Emmons: Yeah, this goes back sometime.

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<u>JoAnn Krantz</u>: This has been in place since 2011.

Don Williams: But we don't have an amended ordinance written up?

Roger Emmons: Yes. You should have copies of that.

Don Williams: That's what I thought but it's been awhile, it's been like two (2) month ago.

JoAnn Krantz: It's been August.

Don Williams: So do we want to act without Adam being here or do you want to ...?

Rick Reid: I'd like to table it until we get our counsel back.

Don Williams: Two (2) weeks?

Rick Reid: Yeah, two (2) weeks from now.

Don Williams: Mr. Weisheit?

Marlin Weisheit: That's okay. I'm just going on what Adam said here too, that's all I know.

<u>JoAnn Krantz</u>: You need to get a hold of State Board of Accounts then because this is with prepared not...I didn't create this, I took the old ordinance, amended it after meeting with Barb Montgomery, although she's not here with the county and after researching I provided all this to you, this particular ordinance is not codified, it had to be found and all that was provided to you some time ago in 2011. This ordinance is...

Don Williams: Yeah, we got a whole stack...that whole stack you've got in your hand.

<u>JoAnn Krantz</u>: Right, so that was certified for you and like I said I've been through this whole thing with Barb, other counties don't seem to have a problem with it.

<u>Don Williams</u>: Now does this make you like a collector for bad checks?

<u>JoAnn Krantz</u>: Yes, instead of putting them through court you have a third party vendor taking care of it. Do you want to know more about the program?

**Don Williams**: Not today.

JoAnn Krantz: Okay, I sent that all to you also. I sent you...

<u>Don Williams</u>: Well, I read through that and I thought well this is making our prosecutor a collection agent and I thought it...

JoAnn Krantz: Prosecutors Office is always filed on behalf of merchants, bad check cases, it's a crime. Instead of taking up court time and our staff time the third party vendor is one of the new ways for prosecutor offices to maximize their or leverage their staff. The upside of this is that an education program is provided with it and also if people can't pay these checks in one lump sum like they have to do, if it's a court proceeding they set up escrow accounts and so people can set up a payment plan and the company Corrective Solutions then keeps it in an escrow account until the money is paid in full. The money is distributed to the merchants as received so it's actually much better for...because typically people who are bouncing checks are usually have...they don't have all the means in which to make these good. The program itself is probably going to be self limited, there's not that many checks written anymore so you're talking about the efficient collection of checks for small businesses like Baum's, Posey's and other small businesses. So, there's not a lot to it, there's not a lot coming in through it because there's just not a lot of bad checks out there. But it is something that has been done for years and we're authorized by statute to do this.

**Don Williams**: Did you make a motion?

Rick Reid: Yeah, to table.

Marlin Weisheit: Second.

Don Williams: Okay, we have a motion and a second to table until next meeting which is...

Roger Emmons: The 23<sup>rd</sup>.

<u>Don Williams</u>: The 23<sup>rd</sup> so put this on the agenda for the 23<sup>rd</sup>, hopefully we'll have everything worked out by then.

JoAnn Krantz: I would ask that you have Adam talk to State Board of Accounts because that's...that's where the issue

es.

<u>Don Williams</u>: Roger, make a note of that, make sure Adam gets the word.

Roger Emmons: I have it down.

<u>Rick Reid</u>: Thanks for your research.

<u>Don Williams</u>: All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

#### 2011 Vacation Days (SBoA Request for Commissioners to Approve Exceptions)

<u>JoAnn Krantz</u>: Second item on the agenda is 2011 Vacation Days for...and you can follow along with the letter. I sent a letter to the Commissioners dated August 13<sup>th</sup>, 2013; do you want me to go through it all at this time or...?

Don Williams: No, well, do you guys want to hear the letter? I read it.

JoAnn Krantz: I'm sorry?

Don Williams: I said I've read it, I didn't know if the rest of them wanted you to go through it.

JoAnn Krantz: So I'm asking...

<u>Don Williams</u>: If you want to give a quick brief it'd be...

<u>JoAnn Krantz</u>: What I'm asking commissioners to do is to improve the vacation of Jennifer Greer for her start date was December 16, 2010 and it'd be for vacation 2011 and vacation for Daniel Miller, he started on January 1, 2011 through...

Roger Emmons: January 29, 2012. He was appointed Chief Deputy Prosecutor effective January 30<sup>th</sup> of last year.

<u>Don Williams</u>: So, the state of...now, if I understand this correctly, Jennifer Greer is now in Compliance?

JoAnn Krantz: As of 2012, but I'm...we're going to go back and...

Don Williams: And Daniel Miller is no longer a county employee; he's a state employee now officially.

<u>JoAnn Krantz</u>: Correct. State Board of Accounts did an audit of employee service records and Dan Miller's was the object of that and so since Jennifer Greer was in that same position with regard to the vacation days I'm bringing both of those issues to you.

Don Williams: And what is the State Board of Account...just wanting us to approve that one (1) time...

Roger Emmons: You're approving the exception to the vacation benefits in the employee handbook that were granted to Ms. Greer outside of the employee handbook which was ten (10) days given to her at the beginning of 2011 instead of earning the first five (5) vacation days after her first six (6) months of continuous service she would have got another five (5) after one (1) year of continuous service which would have been December 16, 2011 so in effect she still would have got the ten (10) days, it just was granted to her up front January 1<sup>st</sup> of 2011. So I think that's the only exception you need to approve for Ms. Greer if the board is so inclined for the State Board of Accounts request.

JoAnn Krantz: They specifically requested with regard to Dan Miller...

Roger Emmons: Oh, yes.

JoAnn Krantz: But since it's the same issue with regarding Jennifer Greer...

Roger Emmons: Right.

<u>Don Williams</u>: So this is no longer an issue we're just trying to keep State Board of Accounts from giving them a stroke.

Rick Reid: And they told you not to do it again I guess?

JoAnn Krantz: No.

Rick Reid: They didn't say anything?

<u>JoAnn Krantz</u>: No.

Don Williams: Well, we'll tell you not to do that again.

<u>JoAnn Krantz</u>: Well, for the reasons I have set forth in there, um, that was a special occupation, I believe it to be prosecutor prerogative on that, duly noted, and I don't expect to be making any hires and I certainly will if there is a next time.

<u>Don Williams</u>: I mean, it's not totally...but the procedures were not followed and you got caught.

JoAnn Krantz: I didn't get caught. I was following...

Don Williams: Well, he got caught, his record got caught.

<u>JoAnn Krantz</u>: No, he didn't get caught, this was a procedure that has been going on with Todd Corne so, if it's wrong it's been wrong for a long time and it's not been brought to anybodies attention.

<u>Don Williams</u>: That would be my guess.

<u>JoAnn Krantz</u>: The issue with Dan Miller is that he's has twenty (20) years of service as a deputy prosecutor and I was not going to offer him a position at that level and him start off as a year one (1) employee. So, his vacation is totally in keeping with his years of experience as a county employee, as a Perf employee and the same with Jennifer Greer, she came to Warrick County with five (5) years of experience and she was...and I brought her in with the ten (10) days.

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<u>Don Williams</u>: So if we hire a truck driver from Metzger after they've been here ten (10) years they should get the same privileges?

JoAnn Krantz: They weren't working for the county; these are county employees...

Don Williams: We'll make it Vanderburgh County...

<u>JoAnn Krantz</u>: And they're Perf employees, special occupations. And in my letter I sent out that based on their classification, a special occupation, that's how I proceeded. But your comments are duly noted and I certainly will be mindful if there is another occasion that has this issue.

<u>Don Williams</u>: Any other questions from the board? What's the will of the board? We're just making something...a wrong righted basically.

Rick Reid: Right, so moved.

Don Williams: A (1) one time deal. I have a motion from Commissioner Reid, do I have a second?

Roger Emmons: Is that for both employees?

Rick Reid: Yeah.

Marlin Weisheit: I'm going to make you vote this time.

<u>Don Williams</u>: Not if you don't make a motion.

Marlin Weisheit: Rick made the motion.

**Don Williams**: Do I have a second?

Marlin Weisheit: I'll reluctantly second.

<u>Don Williams</u>: I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

**Don Williams**: Motion carries.

JoAnn Krantz: Thank you, Gentlemen.

Don Williams: See, you didn't make me do it.

Marlin Weisheit: I didn't did I? I couldn't do it could I?

JoAnn Krantz: Do you make the communication to the State Board of Accounts or is that something I'm to do?

Roger Emmons: Yeah, I'll make sure Barb...I've got the lady's contact information on the letter.

Don Williams: Yeah, my problem is, this is no longer even a valid issue, I mean, it's history, can't change it...

JoAnn Krantz: No, it's not history, it needs to be...State Board of Accounts needs to be notified as I've requested, it's

not...

<u>Don Williams</u>: Oh, I understand that, but I mean you can't change the fact this all took place is all I'm saying.

<u>JoAnn Krantz</u>: I'm asking the State Board of Accounts to be...they've asked me to do this and I'm asking that it be followed through.

<u>Don Williams</u>: They'll be notified, they'll be notified.

Rick Reid: Thanks, JoAnn.

JoAnn Krantz: I'm sorry?

Rick Reid: Thanks.

Roger Emmons: I'll get it.

Don Williams: I said they'll be notified.

JoAnn Krantz: Alright, thank you.

<u>Don Williams</u>: Thank you.

### **COMMISSIONERS ITEMS FOR DISCUSSION**

<u>Commissioner Williams</u>: Do you have anything, Commissioner Reid?

Commissioner Reid: Nothing.

Commissioner Williams: Mr. Weisheit?

Commissioner Weisheit: I have nothing else.	
Commissioner Williams: I entertain a motion.	
Commissioner Reid: Motion to adjourn.	
Commissioner Williams: We are adjourned.	
	DON WILLIAMS, PRESIDENT
	MARLIN WEISHEIT, VICE PRESIDENT
	RICHARD REID, MEMBER
ATTEST:	
L.B. "DIXIE" DUGAN, AUDITOR	
WARRICK COUNTY, INDIANA	